UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1997/SR.55
29 January 1998

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 55th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 10 April 1997, at 6 p.m.

Chairman: Mr. SOMOL (Czech Republic)

later: Mr. STROHAL (Austria)

CONTENTS

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.97-14395 (E)

CONTENTS (continued)

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION

The meeting was called to order at 6.05 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 10) (continued)

(E/CN.4/1997/5, 6 and Add.1 and 2, 8, 9, 12 and Corr.1 and Add.1 and Corr.1, 48-50, 51 and Add.1, 52-54, 55 and Corr.1, 56-59, 60 and Add.1, 61, 62 and Add.1, 63, 64, 113, 114, 118, 123-125, 129 and 132; E/CN.4/1997/NGO/3-6, 12, 14-17, 21, 25, 27 and 37; A/51/457, 460, 466, 478, 479, 481, 490, 496, 538 and 542/Add.2)

1. Mr. FACTOR MENDEZ (Commission for the Defence of Human Rights in Central America, CODEHUCA), speaking as Chairman of CODEHUCA and representing the Alianza contra la impunidad de Guatemala (Guatemalan Alliance Against Impunity), drew attention to the destruction and violence caused by impunity, particularly in countries such as Peru and Guatemala. Impunity was a major obstacle to peace and democracy, for genuine peace could not be built on piles of corpses and lies. The victims were entitled to the truth. Yet in Peru as in Guatemala, the ruling class, which was not representative of society as a whole, turned a deaf ear to the citizens' demand for justice.

2. Legitimacy was therefore an essential condition for combating impunity. Legitimacy meant the possibility for all sectors of society to monitor the country's political and judicial system. It was not surprising that the culprits behaved as if they were accountable to no one. They knew that they would never be tried, much less punished.

3. In Guatemala, the Alianza contra la impunidad and CODEHUCA had learned of numerous cases of human rights violations committed by State agents which had never been investigated, despite the presence of MINUGUA, whose job it was to monitor implementation of the Comprehensive Agreement on Human Rights. Military personnel implicated in the violations had succeeded in escaping from prison and even been given fellowships to study abroad.

4. For all those reasons, the organizations he represented were convinced that the mandate of the independent expert must be extended, to enable her to monitor more closely compliance with the commitments to protect the fundamental rights of the Guatemalan people. The international community must spare no effort to help establish genuine peace, democracy and social justice in Guatemala.

5. In Peru, the 22,000 or so persons imprisoned for political offences were serving their sentences in high-security prisons where conditions were deplorable and contrary to the United Nations Standard Minimum Rules for the Treatment of Prisoners.

6. CODEHUCA was concerned to note that the Nicaraguan delegation included Mr. Luis Zuñiga, an American of Cuban origin, whose presence was an affront to Nicaragua's dignity and sovereignty.

7. Mr. HASHEMI (International Association of Democratic Jurists), said that violations of human rights, and especially the most fundamental right, the right to life, had reached unprecedented proportions in Iran during the past year. There had been 150 executions in 1996, or three times as many as in 1995. One member of the opposition had managed to send the Special Representative a letter from prison asking for intervention to prevent his execution which had, however, taken place so quickly that no one had been able to do anything to prevent it. Extrajudicial executions also continued.

8. The number of Iranian dissidents murdered abroad had also increased. A Berlin court had just charged the Iranian leadership with being the main instigators of State terrorism, and those charges had been taken up by the Agence France-Presse. The Iranian authorities had responded by threatening the German judges with a fatwa similar to the one ordered against Salman Rushdie. Similar threats had been made by thousands of Iranian demonstrators demanding capital punishment for the judges, calling them "traitors", "mercenaries" and "Fascists". The Iranian press had recently warned Germany of the risks it would run if the court in question were to hand down a "biased" verdict.

9. Such gross measures of intimidation called for a firm reaction by the international community, in particular the Commission on Human Rights. The slightest weakness in the Commission's resolution would only encourage Iran to commit further human rights violations.

Statements in exercise of the right of reply

10. Mr. GETAHUN (Ethiopia) said that the statement by a non-governmental organization (NGO) called Society for Threatened Peoples, which had spoken on behalf of a political organization that went by the name of the Oromo Liberation Front (OLF), had been full of deliberate falsehoods. OLF had been part of the transitional Government in Ethiopia but had withdrawn when it had realized that it would lose the 1992 elections. Contrary to OLF's claims, the elections had been recognized by the international community as free, fair and democratic. Another blatant fabrication was the statement that the Government had admitted that human rights violations were occurring in the country. The actual situation in Ethiopia was quite the opposite: peace, stability and respect for human rights and fundamental freedoms prevailed. The Oromo people ran their own affairs in their own State, as did the inhabitants of each of the nine regional States of the Federal Democratic Republic of Ethiopia, and needed no help from external support groups.

11. Ethiopia was a multi-ethnic and pluralistic democracy where the conditions for single-group domination did not exist.

12. Mr. Strohal (Austria) took the Chair.

13. Mr. LINDGREN ALVES (Brazil) said that his delegation categorically rejected one NGO's allegations about the complacency of the Brazilian authorities with violence against landless peasants. The Minister of Justice, who had been cited, was in the forefront of efforts to curb and punish

violations of human rights in Brazil, and was the author of a bill recently adopted by the Congress strictly regulating the acquisition, possession and use of firearms.

14. President Cardoso was firmly committed to the land reform. Under President Cardoso's administration, 4.5 million hectares of land had been expropriated and 108,000 families of landless peasants had been settled. The goal was to settle 208,000 families by the end of 1998. Congress had approved legislation for that purpose.

15. He wished to correct the absurd allegation that agrarian reform in Brazil undermined the rights of indigenous populations over their lands. His delegation had provided the Commission with detailed information on that subject under agenda item 24.

16. Mr. AL-HADDAD (Bahrain) said the information which certain NGOs had given the Commission about Bahrain bore no relation to reality. The repetitive nature of those falsehoods deprived them of all credibility. The NGOs in question seemed unaware of the recent massacres of innocent people in Bahrain or the plot against the country by fundamentalists resorting to terrorism who had stooped to using innocent women and children to achieve their political goals. The NGOs in question would have been better advised to mention the positive steps Bahrain had taken in the field of human rights, which had been mentioned at the Commission's meeting on 26 March 1997.

17. He cautioned those States and terrorist organizations that sought to sap stability and security in the region. Bahrain was not the only State targeted by those organizations, which were using religion for subversive purposes.

18. Bahrain had experienced it all - arson, plots, bombings of kindergartens and efforts to destroy the national economy - but the Government of Bahrain was managing to cope and in fulfilment of its commitments under international law it spared no effort to protect its citizens and ensure respect for their rights in all areas.

19. Mr. RAM (Nepal), referring to the report of the Special Rapporteur, Mr. Bacre Waly Ndiaye (E/CN.4/1997/60/Add.1), said that any custodial death or death under suspicious circumstances in Nepal was always investigated. The Special Rapporteur's statements, which were not based on any authoritative source, were therefore completely groundless. His delegation categorically denied any report of persons killed by police officers while in custody or in other circumstances.

20. Mr. Shiva Hari Dahal, the representative of an NGO called the Group for International Solidarity-Nepal, had fabricated charges of extrajudicial killings and deaths in police custody against the Nepalese Government. Those statements were especially puzzling as Mr. Dahal himself attributed the campaign of violence and terror in Nepal to a handful of Maoist extremists. How could Mr. Dahal both name the real culprits and criticize the Nepalese Government for trying to maintain law and order and protect its citizens' lives and property in full conformity with the law of the land?

21. The 1990 Nepalese Constitution stated that every suspect was to be brought before a judicial authority within 24 hours after his arrest and made provision for the remedy of habeas corpus. It prohibited the use of torture and provided for compensation for any person subjected to torture. Parliament had recently enacted an Act on compensation for the victims of torture. Under the Act, persons taken into custody had first to be brought before a medical examiner for the purpose of determining their condition. Such provisions clearly rendered baseless the charges of unlawful arrest and detention of innocent people and ill-treatment in custody.

22. No law enforcement authority in Nepal could act without the written approval from the local civilian administrator. The allegations of extrajudicial killings in Nepal were therefore politically motivated and completely groundless.

23. Mr. YADUDU (Nigeria) said that he wished to reiterate that all persons currently detained or imprisoned in Nigeria had been lawfully deprived of their freedom in accordance with the laws of the land. Allegations of arbitrary detention, extrajudicial executions, torture and other inhuman punishment were unfounded.

24. Nigeria had at no time cancelled the visits of the Special Rapporteurs. To dispel all doubts, his Government reassured the Commission that its invitation to the Special Rapporteurs still stood, and expected that new dates would be set for their visit.

25. He welcomed the statement by India and Japan acknowledging the Nigerian Government's efforts to implement the recommendations of the fact-finding mission.

26. Mr. ALAEE (Islamic Republic of Iran) said that people who lived in glasshouses should not throw stones. The United States, which had criticized the situation of human rights in Iran, should allow the Commission's rapporteurs to visit its own prisons, where human rights were systematically violated. For more information he referred the members of the Commission to document E/CN.4/1997/71.

27. Norway, which had also criticized his country, itself deserved the imposition of international sanctions for its systematic attitude of discrimination against its Muslim minorities and its hostile position against Muslims and their beliefs.

28. Mr. ANERE (Papua New Guinea), replying to the allegations against his country by the delegation of the Solomon Islands, said that the problem of the Island of Bougainville had been going on for nine years. Papua New Guinea had always taken an "open dialogue" approach to the problem. Its efforts, however, had been thwarted by a rebel group calling themselves the Bougainville Revolutionary Army (BRA), essentially comprised of criminals, which demanded the right to self-determination. As far as Papua New Guinea was concerned, the issue of self-determination for Bougainville was a non-negotiable issue. For their part, BRA criminals had taken it on themselves to destabilize the peace initiatives and had committed numerous atrocities. His delegation was disappointed to see that one of the most

wanted criminals was attending the fifty-third session of the Commission on Human Rights with the support of certain delegations and NGOs. Papua New Guinea would not entertain any resolutions on Bougainville instigated by a State collaborating with such criminals. By the same token, his delegation appealed to all members of the Commission not to support the draft resolution on Bougainville, as it was biased and reflected the wishes of the Bougainville Revolutionary Army rather than those of Papua New Guinea.

29. Like political crises the world over, the one under consideration had spilled over to the neighbouring countries. Papua New Guinea forces had at times entered the Solomon Islands in pursuit of BRA rebels, and the Solomon Islands forces had repeatedly violated the borders. Despite their differences over border issues, however, Papua New Guinea and the Solomon Islands had always resorted to mutual dialogue to resolve their differences.

30. Against that background, the allegations by the Observer for the Solomon Islands that men, women and children had been tortured, raped and murdered were outrageous. The Observer in question should take the time to visit Bougainville and see the efforts being made by the Government of Papua New Guinea to reconstruct and rehabilitate Bougainville, with the help of organizations such as UNESCO in assisting displaced primary school children and of the Red Cross and Doctors Without Borders in medical matters. Similarly, with the assistance of the Bougainville transitional Government, the only legitimate governmental institution in Bougainville, the Government of Papua New Guinea had allowed businesses to reopen to support the community. Those efforts would bear fruit if, and only if, the BRA rebels kept to their word as agreed to during the peace talks.

31. Some NGOs had made reference to Papua New Guinea's involvement with foreign mercenaries. Although that issue was water under the bridge, he reassured the Commission that the Papua New Guinea authorities had allowed the process of law to take its course.

32. Mr. ZAHRAN (Egypt) said he wished to dispel the confusion created by certain NGOs about the human rights situation in Egypt. Egypt respected all its commitments under the international human rights instruments. The separation of powers was enshrined in the Egyptian Constitution and guaranteed the independence and integrity of the judicial system.

33. Concerning the failure to authorize the centre party and its consequences, he noted that the Egyptian authorities, whether civilian or military, applied procedures that were totally free from discrimination. Accused persons were given all the guarantees of due process in all proceedings.

34. The need to draw a distinction between Islam and terrorism could not be over-emphasized. Those who used Islam, a revealed religion known for its tolerance, as a weapon to commit irresponsible acts, did it a grave disservice, and were playing into the hands of Islam's enemies. They were in fact rejected by the vast majority of Egyptian people.

35. Mr. EGÜZ (Turkey) rejected the tendentious accusations the representative of the European Union had directed against Turkey, and in particular its police and army personnel, who were engaged in a resolute combat against terrorism.

36. Regarding the question of Cyprus, he regretted that the procedures of the General Assembly and Security Council notwithstanding, the Greek Cypriot side was represented in the Commission on Human Rights and the Turkish Cypriot side was not. That situation needed to be corrected.

37. As usual, the representative of the Greek Cypriot community, together with the representative of Greece, were suffering from "amnesia" concerning the gross human rights violations perpetrated by the Greek Cypriot forces between 1963 and 1974. He quoted from the Secretary-General's report of 8 December 1967 concerning the attacks on Turkish Cypriots that had forced them to leave their homes. He also referred to the paranoid behaviour of the Greek Cypriots as described by the Secretary-General in a 22 November 1993 report. Archbishop Makarios himself had denounced the invasion of Cyprus by the forces of the Greek junta governing Greece at the time. Amnesia and paranoia would hardly help resolve the Cyprus issue.

38. Mr. DEMBRI (Algeria) rejected both the substance and form of the allegations about Algeria made by a nonetheless respectable organization, Amnesty International. In the case at hand, its leaders showed an obvious lack of professionalism. They had developed new concepts that were absolutely absurd. Terrorists who slit the throats of babes in their mothers' arms and raped and slit the throats of young women were called armed opposition groups and the atrocities they committed, politically-motivated crimes. If that were the case, then all the crimes against humanity committed recently should be reclassified.

39. A victim of its own amateurism, Amnesty International was trying unsuccessfully to mobilize countries, including South Africa, against Algeria. But Algeria had demonstrated its strong humanitarian convictions - in the past by combating the apartheid regime and at present by cooperating in several international initiatives.

40. His delegation intended to submit a full report on Amnesty International's practices to the NGO Committee in New York. On that occasion it would ask for clarification of its financial situation and for publication of the list of its donors. It would also ask why the Algerian section of Amnesty was made up of members who were all affiliated with political groupings. Finally, it would not hesitate to study the possibility, together with a number of other countries, of an affidavit of bias against Amnesty.

41. Mr. AL-HUMAIMIDI (Iraq), replying to the statement made by the representative of the United States at the Commission's 52nd meeting, said that since the elimination of weapons of mass destruction was an issue within the competence of the Security Council, with which Iraq was cooperating, there was no need to raise it in the Commission on Human Rights.

42. The United States was directly responsible for the continued suffering of the Iraqi people, for it maintained an inhuman embargo on Iraq despite the fact that Iraq had fulfilled its commitments to the international community under the "food for oil" agreement.

43. Reference had been made at the 54th meeting to disappearances of Kuwaitis. He recalled that that issue had been studied by an international commission under the auspices of ICRC. The Iraqi Government had no intention of concealing information on that matter, especially as it too had a list of disappeared persons whose fate it was seeking to clarify. Moreover, Iraq had accepted the principle of an ICRC visit to Iraqi places of detention in search of disappeared persons. An agreement on arrangements for the visit was to be concluded shortly.

44. Mr. BAUMANIS (Latvia), referring to the Russian delegation's statements under agenda item 10, said that Latvia had demonstrated its desire for transparency and dialogue by inviting missions of inquiry to visit the country. Not one of those missions had observed any violations of human rights. What was more, the international human rights bodies had been gratified at the constructive dialogue they had established with the Latvian Government.

45. The recommendations of the Organization for Security and Cooperation in Europe (OSCE) had been taken into account by the Latvian Government. A year earlier, the General Assembly had declared the consideration of the human rights situation in Latvia closed on the basis of information provided by the High Commissioner for Human Rights.

46. The Russian delegation had stated that hundreds of thousands of ethnic Russians were unable to leave or return to Latvia. That was not true. The Russians in question, including those with foreign spouses, were entitled to reside anywhere they wished in Latvia. They had the right to preserve their language and culture and had access to interpretation services in the courts. Noting that Latvia had experienced deportations, arbitrary executions and disappearances during the Soviet period, he said that comparison between the methods used by the former Soviet regime and those of the Republic of Latvia was clearly inappropriate.

47. Mrs. LEPIK (Estonia) said that her delegation denied the statements made by the representative of the Russian Federation. Contrary to what he had claimed, Estonian legislation recognized the right of everyone to leave and return to the country. The Estonian Government issued passports to all residents lacking valid travel documents.

48. Since the representative of the Russian Federation had referred to the recommendations of Mr. Max Van Der Stoel, the High Commissioner for national minorities of the OSCE, her delegation intended to distribute the text of the recommendations together with Estonia's response, to prove that the implementation of those recommendations had made Estonia one of the European countries that was dealing with the minority question most successfully, as the Estonian Minister for Foreign Affairs had recently stated.

49. The allegation that the Republic of Estonia used the same methods as the totalitarian Soviet system was not worth considering.

50. Mr. MANOUSSAKIS (Greece) noted that the representative of Turkey had referred to the question of Cyprus in exercise of the right of reply. Whatever the representative might say, the questions at issue, which remained unanswered, were the following: when did Turkey intend to implement the resolutions of the General Assembly and Security Council? What was Turkey doing in the territory of Cyprus, an independent Member of the United Nations? When would Turkey restore the rights and fundamental freedoms of the inhabitants of Cyprus, as requested by the Commission on Human Rights in numerous resolutions on the question? When would the occupation of Cyprus, which had been continuing for more than 20 years, come to an end?

51. Before making accusations, Turkey had better study the human rights situation in its own territory. Suffice to say that the international bodies were keeping a close eye on Turkey as far as human rights were concerned.

52. The law must prevail and the resolutions adopted by the international community must be implemented.

53. Mr. VENU (India) said that Pakistan had made baseless attacks against his country under every one of the Commission's agenda items so far. Pakistan, which championed self-determination, should begin by addressing the demands of segments of its own population for self-determination. Pakistan, which was new to democracy, unfortunately preferred violence to democratic institutions, and in particular elections.

54. Pakistan's only interest was to bring its own agenda before the Commission for domestic and propaganda reasons. The Commission was well aware of the disastrous human rights situation in a country whose Constitution sanctioned discrimination against minorities and women, and where custodial torture and arbitrary executions were practised, to say nothing of failure to respect the rule of law.

55. India had just initiated a bilateral dialogue with Pakistan, which made it more necessary than ever to create a constructive atmosphere. Because India sought to create such an atmosphere, it would remain patient and exercise restraint.

56. Mr. MONTENEGRO MALLONA (Nicaragua) said that an absurd and arbitrary charge had been levelled against his country by the Cuban delegation, to the effect that 51 per cent of the Nicaraguans who had taken part in the elections of 20 October 1996 had been supporters of the former Somoza regime.

57. The Nicaraguan elections, which had put the current President, Arnoldo Alemán, in office, had been free, transparent and fair, as numerous national and international observers had noted. Consequently, to insult the Nicaraguan Government was to insult the Nicaraguan people.

58. Unlike Cuba, Nicaragua was a completely independent State under the rule of law. In any event, a Government such as Cuba's, which systematically violated the letter and spirit of the Universal Declaration of Human Rights, had no moral right to bring charges against the Government of Nicaragua.

59. Mr. GUANGYA (China) said that the charges levelled against his country in recent years by certain Western countries, in particular the United States, were totally false and baseless.

60. Since the establishment of the People's Republic of China, and particularly during the last seven years, when a policy of reform and openness had been adopted, much progress had been made in China in promoting human rights.

61. China had experienced healthy and rapid economic growth in 1996, and the living conditions of the Chinese people had improved markedly. The Government had continued to focus on establishing democratic institutions and protecting individual rights. Amendments had been made to the Penal Code, for example. Everyone was aware of those facts, and no slanderous remarks could belie them.

62. China attached great importance to international cooperation in human rights matters. It had acceded to most of the human rights instruments, had submitted reports to the relevant treaty bodies and intended to sign the International Covenant on Economic, Social and Cultural Rights by the end of the year. Likewise, it had always supported the work of the thematic rapporteurs and working groups of the Commission on Human Rights. When communications involving China were transmitted to the Chinese Government, it always replied punctually.

63. China had consistently maintained that the question of human rights should be dealt with in the framework of dialogue and mutual respect. Confrontation could lead only to a stalemate. The vast majority of the Commission's member States had come to share that view.

64. Mr. ZACKHEOS (Cyprus) said that he was exercising his right of reply to the Turkish delegation in his capacity as representative of the legitimate Government of Cyprus, recognized as such by all countries and international organizations except the country which had invaded Cyprus, namely, Turkey.

65. With regard to participation by the Turkish Cypriot side in the work of the Commission on Human Rights, he observed that if Turkey had not exploited and manipulated the Cypriot community for expansionist purposes, the Turkish Cypriots would be seated in the Commission in the same delegation as their Greek compatriots.

66. The Turkish delegation's statements did not really deserve a reply. Everyone knew that Turkey had been cited by the thematic rapporteurs and the NGOs as one of the countries that committed the most serious violations of human rights. Given that the Turkish delegation pretended to be unaware of the torture practised in its country, the destruction of over 2,500 villages in south-eastern Turkey and the grief of the mothers of disappeared persons, who met weekly to tell the world of their distress, that same delegation could hardly be expected to correct injustices against Cypriots.

67. Turkey's invasion of Cyprus had been condemned by all international bodies without exception. Yet Turkey persisted, probably thinking that geopolitical considerations would always prevail over moral principles. What was in fact happening was that Turkish Cypriots were fleeing the "paradise" set up by the invaders in the portion of the island they occupied and asking for political asylum in England. They were being replaced by settlers from Anatolia who were altering the island's demographic balance. Displaced persons, disappeared persons, disabled persons: such were the results of the "peace" Turkey claimed to have brought to Cyprus. The killings that had taken place on the ceasefire line the past year had reminded the international community that the island remained divided solely through the use of force by Turkish soldiers.

68. He urged Turkey to drop the anachronistic methods of occupying foreign lands by force used in Roman times. Turkey, which hoped to become a member of the European Union, had to learn to behave according to European rules and the principles of international law.

69. Mr. NAZARIAN (Armenia) said that the Azerbaijani statement on what it had called the "Khojaly event" had been one of the most cynical ever made by that country. The President of Azerbaijan at the time, President Mutalibov, had stated in an article published in the Russian press that the militia of the Azerbaijani National Front had prevented a mass exodus by the local population. In doing so the Azerbaijani opposition had probably intended to instigate a popular uprising against the Baku regime. Thus Azerbaijan falsely attributed the merciless slaughter of Khojaly's civilian population to Armenians.

70. Was it mere coincidence that Azerbaijan, which was always so quick to take the floor when the Commission discussed genocide, had taken no steps to accede to the Convention on the Prevention and Punishment of the Crime of Genocide?

71. Regarding the prisoner of war issue, he said that Armenia, responding to the appeal by the Co-Chairman of the Minsk Group, had unilaterally decided to release all Azerbaijani prisoners being held in Armenia. He called on Azerbaijan to respond to that initiative rather than make groundless statements to the Commission on Human Rights and provide it with inaccurate information.

72. Mr. MOUSSAEV (Azerbaijan) said that, contrary to what the Armenian delegation had said, the Republic of Azerbaijan had ratified all the international instruments mentioned by the Armenian representative, which formed part of its national legislation.

73. He would also like to set the record straight regarding Armenia's behaviour towards the Azerbaijani community. In 1918 the number of Azerbaijanis in Armenia had stood at 575,000, more than a third of all the inhabitants of the present-day Republic of Armenia. However, as a result of the policy of systematic annihilation practised by the Armenian Government in the form of expulsions, executions and destruction of villages in Erevan province, Azerbaijanis had been completely eliminated from the Republic of Armenia.

74. Mr. CHAVEZ (Peru) drew the Commission's attention to the unfair practices of certain NGOs, which allowed persons who were not authorized to participate in its work to take the floor in their name without revealing their identity. One example was CODEHUCA, whose representative had made a statement attacking Peru. Curiously, the text of the statement which had been distributed contained no reference to Peru. Anonymity was the tool of cowards. In Peru as elsewhere, those who wore masks were the terrorists, the same people who bore responsibility for more than 20,000 deaths in the country.

75. Mr. OYUGI (Kenya) said that his delegation wished to allay the concerns expressed by the representative of the European Union in his statement. The independence of Kenya's judiciary was guaranteed by the Constitution, jealously guarded by the judicial officers themselves and respected by the executive.

76. Moreover, police offices were enjoined to operate within the law, and those who violated the rights of individuals were prosecuted and punished in accordance with the law.

77. With regard to the forthcoming parliamentary and presidential elections, Kenya had a competent electoral commission and sufficient legal and constitutional safeguards to guarantee that they would be free, fair and democratic.

78. Mr. RAZZOOQI (Kuwait) said that Iraq continued to pursue its policy of polemics, manipulation and disinformation. His delegation had raised an exclusively humanitarian issue, namely, the release of prisoners of war and identification of the disappeared. Hostilities had ceased six years previously, but despite the four Geneva Conventions and General Assembly and Security Council resolutions, Iraq persisted in applying a policy of procrastination and dissimulation.

79. He read out a paragraph of the report of the United Nations Mission to Kuwait on 24-27 January 1997. The members of the mission clearly indicated in their report that the question of disappeared persons was still not settled and that the families concerned were clearly distressed at the situation.

80. He strongly emphasized the fact that international law required Iraq to meet all its commitments, especially to release prisoners of war and identify the disappeared.

81. Mr. QAZI (Pakistan) said that although his country might be new at democracy, it had made more progress in that area during the previous 50 years than its neighbour. India, which claimed to be the biggest democracy in the world, was rather the biggest hypocrite.

82. Could the situation in Jammu and Kashmir be termed democracy when so-called elections were held in an atmosphere of terror? Several major Western daily newspapers had denounced them as a tragic farce. The inhabitants of Jammu and Kashmir had been forced to vote, with a gun to their heads, for the Government of India which they had already rejected, and the votes of dead people had been recorded.

83. Full light would not be shed on the human rights situation in India until the United Nations Special Rapporteur on Torture visited the country.

84. Mr. GONZALEZ (Cuba) said that the money used to finance the electoral campaign that had brought the present Nicaraguan Government to power had obviously been used not only for that purpose but also to rent Nicaragua's seat in the Commission on Human Rights. He hoped that the Commission would no longer have to put up with individuals such as the person who had delivered a theatrical tirade that morning in the name of the Nicaraguan delegation and that the statements of that delegation would be of a more constructive nature.

85. Mr. MAYE NGUE MARYE (Equatorial Guinea), referring to criticism of Equatorial Guinea by two NGOs, namely, Pax Romana and the World Reformed Alliance, said that his country was working hard to establish democratic institutions. He invited those organizations to help it do so by setting up offices in the country, in other words by working in the field, which they were obviously incapable of doing. The Government of Equatorial Guinea had absolutely no respect for NGOs which did nothing but make speeches in Geneva.

86. Mr. AL-HUMAIMIDI (Iraq), speaking in exercise of the right of reply, said that his delegation had neither the Kuwaiti delegation's facility for playacting nor its talent for confusing the issues.

87. The main point was the question of disappeared Kuwaitis. Iraq, which had taken a serious and legal approach to the question, devoid of demagoguery, had no intention of playing on feelings to attract sympathy, especially as the Commission was perfectly aware of the situation.

88. However, he asked the Chairman to invite the representative of Kuwait, when speaking before the Commission, to show the respect for the opinions of others which was the rule in Commission discussions. If not, he would find himself obliged to interrupt.

89. Mr. RAZOOOI (Kuwait) said that he needed no lectures on proper behaviour from the representative of the Iraqi regime. Everyone knew what that regime was. Kuwait's message had been quite clear. It consisted of a warning to Iraq: put simply, Iraq must implement the Security Council resolutions, comply with its international obligations, identify the disappeared and release prisoners of war.

90. Mr. NAZARIAN (Armenia) said that it was no coincidence that, in the five years since independence, Azerbaijan had failed to ratify several of the main human rights instruments, including the Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention on the Prevention and Punishment of the Crime of Genocide. Any State which ratified those instruments made a commitment to implement them and thus to protect the rights and freedoms of persons under its jurisdiction. That was obviously not the approach chosen by Azerbaijan, which had based its independence on a policy of brutal repression and hatred towards another nation.

91. Armenia continued despite everything to place its hope in the millions of Azerbaijanis who shared the universal values of human dignity and respect for fundamental rights and freedoms.

92. Mr. MOUSSAEV (Azerbaijan) said that his country had ratified all the instruments mentioned by the representative of Armenia.

93. The CHAIRMAN, referring to a comment by the representative of Sri Lanka, said that the Commission had received from the International Peace Bureau a letter concerning the participation of one of its members in the Commission's discussions. The individual in question, Father Emmanuel, had been accredited to take part in the Commission's work as a member of Pax Christi International. Since that organization was itself a member of the International Peace Bureau, it had not been thought necessary to accredit Father Emmanuel separately as one of its members. On another matter, he had also been informed that Father Emmanuel was indeed the Vicar-General of Jaffna.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION

(agenda item 21) (E/CN.4/1997/93, 94, 95 and Add.1 and 2, 96 and 97; A/51/306 and Add.1 and 456)

94. Mrs. CALCETAS-SANTOS (Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography) read out a poem written by a young girl who had been a victim of rape. The only possible answer to such a cry of despair was prevention, in which the educational system and the media played a crucial role.

95. Her report (E/CN.4/1997/95) described the legislative reforms being undertaken by certain States for the enhanced protection of child victims of sexual abuse. Penalties against abusers of children were being increased, and punitive methods other than imprisonment were being explored. Police powers were also being strengthened with regard to child prostitution and child pornography, including arrest without warrant and "sting" operations. Extradition of offenders and extraterritorial prosecutions were gaining wider acceptance. States were beginning to realize the imperative need for a multi-disciplinary approach when dealing with children who had been subjected to the trauma of abuse. In the United States, for example, teams of experts in the fields of law, social work, medicine and psychiatry were being set up.

96. Her report contained recommendations on action for children at Government and local levels. She had focused specially on the judiciary which, far from always alleviating the suffering of child victims, often increased it. She had proposed a number of measures likely to improve the situation.

97. The addenda to her report (E/CN.4/1997/95/Add.1 and Add.2) described her two country visits, to the Czech Republic and the United States of America.

98. She had visited the Czech Republic in May 1996. As a country in transition from 40 years of communism, the Czech Republic shared the problems of its neighbours in Central and Eastern Europe, including the new needs which the market economy had created among its youth. A great number of young people were drawn to prostitution and pornography as lucrative sources of income. Boys were becoming addicted to gambling, due to the proliferation of casinos and gambling machines. That trend - a matter of great concern to the Government - was particularly striking in Prague. The situation was also problematic in northern Bohemia, particularly near the German border, especially as legislation did not precisely define who was considered to be a child and entitled to legal protection. Of particular concern were gypsy children, whose history was one of discrimination and marginalization. However with assistance from NGOs, the Government was paying serious attention to introducing both preventive and remedial measures, and the law enforcement services took an active approach to prosecuting child abusers.

99. Her visit to the United States in December 1996 had enabled her to study two particular issues, namely, the impact of new information technologies, such as Internet, on child pornography, and the responsiveness of the criminal justice system to the child victim.

100. She had visited several major cities in the United States and had been quite disappointed to find that in most cases, hardly any concrete data existed on the sexual exploitation of children. There were also a limited number of NGOs paying special attention to child victims of sexual abuse. A serious concern raised in some quarters was the inadequacy of the social support system and rehabilitation structures for child victims. In most instances children had first to enter the criminal justice system before being re-socialized and receiving appropriate care.

101. On the other hand, the Department of Justice had undertaken extensive law enforcement training. She hoped such national modules, which had already been tested and validated, would be of help to other countries.

102. Mr. BERANEK (Czech Republic) said his country had appreciated the Special Rapporteur's visit and its dialogue with her on ways of promoting and ensuring respect for children's rights. His Government would see to it that her recommendations and suggestions were widely distributed, taken into account and implemented.

103. Mr. ELIASSON (Chairman-Rapporteur of the Working Group on a Draft Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflicts) said he was disappointed to inform the Commission that it had not been possible to finalize the draft optional

protocol at the Group's substantive session in Geneva from 20 to 30 January 1997. Some issues which he had believed settled the previous year had even been re-opened.

104. The progress made, however, should not be belittled: the entire preambular part of the text was now agreed, as was article 1, with only the age being left in brackets; there was virtual agreement on the deletion of article 6; agreement had been reached on requiring only 10 ratifications for entry into force; and significant progress had been made on article A concerning recruitment by non-governmental armed groups.

105. The Legal Counsel of the United Nations had clarified the competence of the Working Group to draft an article concerning broader powers for the Committee on the Rights of the Child, thereby enabling the Working Group to consider the drafting of article D on its merits. Views on the matter differed widely, however.

106. During the Working Group's session, there had been extended argument about the age of voluntary recruitment and the situation of children enrolled in military schools in certain countries which basically provided civilian education.

107. To refocus the discussion and break the logjam during the negotiations, he had offered to provide a text focusing attention on non-participation in hostilities and avoiding a definition of voluntary recruitment.

108. The remaining issues had been so narrowed down that agreement could be reached at the following session. He therefore hoped that the Commission would authorize one more such meeting for the purpose of settling the few remaining issues.

109. Mr. MORA GODOY (Chairman-Rapporteur of the Working Group on a Draft Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography) said that the Working Group's third meeting, held from 3 to 14 February 1997, had been the first to achieve a consensus on the need for the protocol. The change of attitude was certainly due to the mobilization of public opinion that had followed the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm in August 1996, and to various events that had occurred in 1996, which had revealed the extent of the loathsome practices of which children were victims and the limited action, especially in the legislative sphere, available to end them.

110. Views on the scope of the protocol differed. Some believed that the concept of sale of children should be limited to sexual exploitation, while for others it should include an entire range of practices which, whether or not they included sexual exploitation, were abhorrent and should be punished. Articles 34 and 35 of the Convention on the Rights of the Child provided the general framework for consensus on that issue.

111. A large number of delegations believed that the protocol should contain precise definitions of the practices covered, in order to establish uniform

legal obligations. Others, on the contrary felt that definitions should be more general so as to enable each State to review them in the light of its legislation.

112. For many delegations the protocol would not be effective unless it established preventive measures, described offences, imposed penalties and also covered the rehabilitation of the young victims. Many had also reaffirmed the need for international cooperation. For a certain group of countries, however, cooperation should aim essentially at eliminating situations conducive to the practices in question, while others believed that cooperation should relate mainly to police and judicial inquiries.

113. He shared the opinion of the delegations which had said that the protocol's main target should be the traffic in children. There was a need to reinforce the action already being taken to prevent the spread, both at the national and international levels, of the traffic in children for sale, prostitution and pornography. In that connection, the protocol should attach special importance to the issue of sex tourism.

114. The Working Group's current dilemma was the need to reconcile deadlines with the drafting of a protocol that would be specific enough to provide States with a coherent legal base. The Working Group would definitely not be able to complete its work in a single session. However, an objective should be set - perhaps the tenth anniversary of the Convention on the Rights of the Child in the year 2000. That would give the Working Group time to prepare a sufficiently concrete international instrument and would also allow for the adoption of the instrument by the relevant bodies of the United Nations system. The credibility of the United Nations would be reinforced if it entered the third millennium with a more effective instrument for combating the offences committed against hundreds of millions of children throughout the world.

115. Mrs. ABREU de POLANCO (Dominican Republic) said that her country had endorsed the principles set forth in the Declaration and Programme of Action of the Vienna World Conference on Human Rights, and in particular the idea that the rights of women and girls were an integral part of fundamental human rights and that combating the exploitation and ill-treatment of little girls should be a priority objective. Her country had likewise based itself on the principles of the Convention on the Rights of the Child in establishing the institutional infrastructure for the protection of minors. The Convention's main merit was to have made children and teenagers subjects of law and introduced mechanisms for ensuring respect for their rights.

116. The Dominican Republic had adopted Act No. 1494 establishing the Code on the Protection of Minors. The Code provided extensive guarantees for the protection of children and teenagers through joint action by State agencies and society at large.

117. Among the institutions the Government had established were the Councils for the Protection of Children's Rights, the children's ombudsman and the police services assigned to protect children and teenagers.

118. The role of the agency (organismo rector) responsible for enforcing the Code included setting guidelines for providing children with assistance and programmes, defending children's rights before the administrative and judicial authorities and sponsoring legislative reforms.

119. Young people accounted for 42.8 per cent of the population of the Dominican Republic. A very large number of them lived in extremely precarious conditions owing to unemployment, their families' low income and the lack of basic services, in addition to the breakdown of the family due to emigration and abandonment. More than 350,000 children from 7 to 14 years of age were working in various branches of the economy. Twenty per cent of them were not enrolled in school, and many had nowhere to go but the street.

120. The churches and society at large demanded solutions to those problems. The Government, for its part, gave priority to combating poverty. It had taken new steps with respect to adoption and increased its support of day nurseries. In another recent development, it had arranged for the training of the first teams of police officers who would be dealing specifically with juvenile offenders, in connection with whom the Government tried to use punitive methods other than imprisonment, such as community service. Close attention was also paid to the protection of Dominican children in irregular situations abroad. Agreements had been concluded on the design of strategies for eliminating child labour and a commission had been established precisely for that purpose.

121. Several resolutions had been adopted by United Nations bodies on human rights teaching, including the proclamation of the decade beginning in 1995 as the Decade for Human Rights Education. She suggested that the Decade should be used to circulate information on children as subjects of law and future members of society.

122. Mr. von RŸSSEN (Netherlands) said he was addressing the Commission on behalf of the European Union and the Central and Eastern European countries associated with it, including Cyprus.

123. Guaranteeing the rights of children meant protecting all children from practices to which one would not want one's own children subjected. The international community had adopted the Convention on the Rights of the Child for that very purpose. The European Union called on those few States which had not yet done so to ratify the Convention and on those which had entered reservations to withdraw them.

124. States must cooperate closely with the Committee on the Rights of the Child and with the persons appointed by the Secretary-General to handle child-related issues. He hoped that the Committee would be able to reduce the backlog in its consideration of State reports by instituting a bicameral procedure. In view of the key role of education, the Committee's observations and recommendations should be disseminated as widely as possible.

125. States must make every effort to eliminate child labour, and particularly hazardous labour, which UNICEF correctly called an offence against civilization. The International Labour Organization had adopted a resolution on child labour at its eighty-third session. The year 1997 would

feature two international conferences on child labour, organized in cooperation with ILO, one in Amsterdam and one in Oslo. The European Union participated actively in those conferences and their follow-up.

126. Child prostitution and child pornography were totally unacceptable practices. The European Union welcomed the report of the Special Rapporteur on the sale of children, child prostitution and child pornography and the holding of the World Congress against Commercial Sexual Exploitation of Children in Stockholm, which had helped to increase international awareness of the problem. The European Union had strengthened its action aimed at ending that particularly cruel form of contemporary slavery, and agreement had been reached on the extension of the mandate of the European Police Force (EUROPOL) to cover trafficking in persons, in particular children. At the global level, the Union hoped for a speedy finalization of the draft optional protocol on the sale of children, child prostitution and child pornography.

127. Girls constituted a large part if not the majority of economically exploited children. They were often sexually abused by employers, and more girls than boys were denied their right to education. The call from Beijing, to make the world safe for girls, must be heeded.

128. The European Union deeply appreciated the extensive study carried out by the Secretary-General's expert on the impact of armed conflict on children and welcomed the General Assembly's decision to recommend that the Secretary-General should appoint a special representative on children in armed conflict. It also hoped that the draft optional protocol on involvement of children in armed conflict would shortly be completed.

129. The European Union intended to submit a resolution on children's rights, in close cooperation with Uruguay.

130. Mr. TIBARUHA (Uganda) said that the new Constitution of the Republic of Uganda promulgated in 1995 contained general provisions setting out the basic rights of children. The Children's Statute, enacted in 1996, incorporated the provisions of the Convention on the Rights of the Child and established mechanisms for the protection of children's rights. It also established the National Council for Children, composed of representatives of the Government and society at large, which was entrusted with policy formulation for the realization of the rights of children. The National Task Force was responsible for the implementation of the Statute in the field. The UNICEF Uganda country programme included various community-based components aimed at creating a favourable environment for the realization of the rights of children. The media played an important role in promoting and protecting human rights in general and the rights of children in particular; The Monitor, one of the most highly respected independent daily newspapers in Uganda, devoted an entire column to that question.

131. Mrs. Graça Machel's report on the impact of armed conflict on children contained some very disturbing revelations. Such children witnessed or experienced horrendous violations such as killings, forced conscription, sexual exploitation, forced marriages, violence, disabilities caused by weapons such as landmines, infectious diseases, malnutrition and lack of

access to food supplies and health care. Ugandan children were no strangers to such situations. The rebel Lord's Resistance Army in the north of the country had committed terrible abuses against children.

132. The protection of the rights of children in armed conflict was high on the agenda of the regional peace initiatives in the Great Lakes region to which Uganda was a party. The restoration of peace in the region would greatly contribute to the protection of the human rights of children.

The meeting rose at 8.55 p.m.